fails to disclose identifying portions of a file system that were previously stored by the client. The cited passage from Wlaschin only discloses storing original text in a read-only, remote partition, and storing updates to text in a local partition. Wlaschin also discloses, at Fig. 5 and column 10, lines 33-43, searching for a specific data item by simply looping through partitions (in local to remote order) until the data item is found.

Independent claim 1 also requires determining if any streamed portions of a file system were stored in a second storage location. The Examiner said Gayman disclosed this element at column 6, lines 34-61. However, the cited passage from Gayman only refers to cyclic multicasting in which one or more clients may download portions of an image file. Gayman fails to mention how to determine if or where any streamed portions of a file system were stored.

Independent claim 8 specifies a system including a software program that scans a first location associated with portions of a file system that were previously stored by the system. The Examiner said Gayman disclosed this element at column 4, lines 6-21. Again, the Examiner is incorrect. The cited passage from Gayman only refers to an application program for multicasting an image file to multiple clients over a network, which each client then may write to a local disk drive.

The system of claim 8 also scans a second location associated with portions of the file system that were streamed to the system by a server. The Examiner cited Gayman at column 6, lines 34-45, as showing this element. But the cited passage only refers to a client on a network signing on a cyclic multicast session and requesting a selected image file from a

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server. Gayman fails to mention anything about scanning a second location as set forth in claim 8.

Independent claim 17 also is patentable over the Wlaschin and Gayman references. In the office action, the Examiner did not specifically refer to claim 17 and did not cite any relevant language from the two references. In fact, neither Wlaschin nor Gayman disclose a medium storing instructions that cause a processor-based system to receive a request for a portion of a file system, identify if the portion is stored in a first location associated with portions of the file system that have been previously stored by the processor-based system, and if not, determine whether the portion is stored in a second location associated with portions of the file system that were streamed to the processor-based system.

With respect to dependent claims 2-7, 9-16 and 18-24, Applicant has carefully reviewed the passages from Wlaschin and Gayman and submits they also do not disclose or suggest the subject matter claimed therein.

For example, dependent claim 2 requires identifying if the portion is stored in a first location, then determining if the portion is stored in a second location, and then retrieving from the server if not stored in the second location. The Examiner rejected claim 2 based on column 10, lines 37-42 of Wlaschin. However, the cited passage just refers to searching for a data item in any local journal partitions and then searching remote partitions in order.

Dependent claim 3 requires associating portions of the file system used by the client during start-up with the first location. The Examiner cited column 10, lines 25-31 of
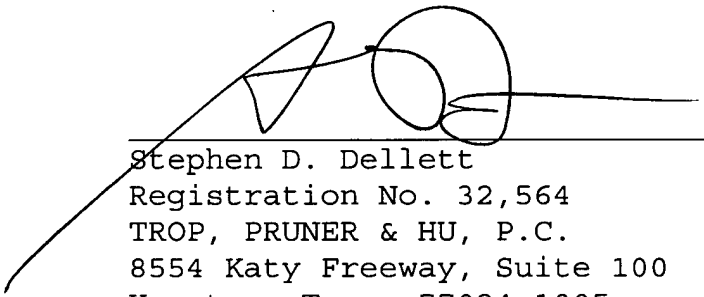
Wlaschin, but the passage mentions nothing concerning the elements of claim 3.

Dependent Claim 5 requires monitoring accesses to a plurality of portions of the file system during start-up. The Examiner cited column 6, lines 24-28 and column 10, lines 58-63 of Wlaschin. Neither of the cited passages mentions what is set forth in claim 5.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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